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| APPLICATION NO.                    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/972,362                         | 10/05/2001  | Farhan Ahmad         | SJ09-2001-0099      | 4699             |
| 46917                              | 7590        | 03/16/2006           | EXAMINER            |                  |
| KONRAD RAYNES & VICTOR, LLP.       |             |                      |                     | DIVECHA, KAMAL B |
| ATTN: IBM37                        |             |                      |                     |                  |
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|                                    |             |                      |                     | ART UNIT         |
|                                    |             |                      |                     | PAPER NUMBER     |
|                                    |             |                      |                     | 2151             |

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/972,362             | AHMAD ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | KAMAL B. DIVECHA       | 2151                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 November 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,4-9 and 21-37 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,4-9 and 21-37 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**Response to Arguments**

Claims 1-2, 4-9, 21-37 are pending in this application.

**Request for continued examination**

The request for continued examination was received on November 23, 2005 and an office action has been issued accordingly.

**Claim Rejections - 35 USC § 112**

The prior 35 USC 112, first and second paragraph rejection has been withdrawn.

**Claim Rejections - 35 USC § 101**

The 35 USC 101 rejections with respect to claims 31-37 is maintained because the claims still does not distinguish between the storage medium and transmission medium.

The 35 USC 101 rejections can be overcome by amending the independent claim to include a “computer readable storage medium” because computer readable storage medium is considered to fall within the statutory subject matter.

Applicant's arguments with respect to claims 1-2, 4-9, 21-37 have been considered but are moot in view of the new ground(s) of rejection (please see the Detailed Action).

## **DETAILED ACTION**

Claims 1-2, 4-9, 21-37 is presented for re-examination.

### **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 31-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed program in the claims does not fall into any of the four categories of the statutory subject matter as set forth above. Therefore the claims are still considered to be non-statutory.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-9, 21-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Weber et al. (hereinafter Weber, U. S. Patent No. 6,480,901).

As per claim 1, Weber discloses a system in communication with a network comprising one or more storage devices and one or more hosts via a switching fabric component, wherein application processes reside on the hosts, wherein the application processes configure and

manage the hosts in which the application processes execute (fig. 1, col. 1 L25-58, col. 6 L45-54), comprising:

    a manager in communication with the storage devices, the switching fabric component and hosts in the network (fig. 1 and col. 2 L3-8, col. 2 L22-44); and

    an interface process in communication with the manager, a switching fabric component and the hosts, wherein the interface process performs (col. 13 L1-9, fig. 5 item #510, col. 2 L22-44, col. 9 L31-35):

- obtaining information on hosts and the switching fabric component in the network from the manager (col. 13 L9-49, col. 4 L34-51, col. 7 L15-20, col. 9 L59-66);
- displaying information representing the hosts and switching fabric components in the network (col. 13 L9-49, col. 4 L34-54, col. 7 L15-30);
- displaying information on application processes associated with the represented hosts and switching fabric component in the network (col. 13 L1-49, col. 16 L58-67);
- receiving selection of one the displayed application processes (col. 7 L25-39 and col. 13 L1-49);
- launching selected application process residing on the represented hosts or switching fabric components (col. 13 L1-49 and col. 7 L25-39).

As per claim 2, Weber discloses a graphical output device coupled to the interface process for displaying one or more graphical objects representing the application processes on the hosts or the switching fabric component, wherein the interface process is coupled to the

graphical output device for effecting the display of the graphical objects on the graphical output device (col. 13 L1-67 and col. 4 L34-51, fig. 6, col. 9 L10-42).

As per claim 4, Weber discloses the system wherein the interface process responds to selection of one of the objects representing one application process by effecting execution of the application process represented by that object (col. 13 L1-49 and col. 14 L10-15).

As per claim 5, Weber discloses a store containing information regarding one or more hosts and the switching fabric component and one or more application processes residing on selected hosts and the switching fabric component (col. 2 L26-36).

As per claim 6, Weber discloses the system wherein the interface process accesses the store, upon selection of one graphical object representing one host or the switching fabric component, to identify one application process residing on the host or the switching fabric component represented by the selected object (col. 14 L10-15 and col. 13 L1-49).

As per claim 7, Weber discloses the system wherein the application process is any of an executable application, a web-browser application, a telnet session, or an SNMP application (col. 10 L54-65, col. 6 L15-26, fig. 4 item #406, fig. 5 item #510, 512).

As per claim 8, Weber discloses the system wherein the information on the hosts includes an identifier for the host and application processes residing on the host (col. 13 L10-49).

As per claim 9, Weber discloses the system wherein at least one of the graphical objects representing one host provides a textual description of that component (fig. 6 and col. 13 L37-67, col. 14 L23-40).

As per claims 21-37, they do not teach or further define over the limitations in claims 1-2, 4-9. Therefore claims 21-37 are rejected for the same reasons as set forth in claims 1-2, 4-9.

**Additional References**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Werme et al., Pub. No.: US 2003/0167270 A1: Resource Allocation Decision function for Resource management architecture.
- b. Blumenau et al., U. S. Patent No. 6,839,747 B1: User Interface for managing storage system coupled to a network.
- c. Kim, Pub. No.: US 2003/0023705 A1: Fabric Device Configuration Interface.
- d. Lagueux, Jr. et al., U. S. Patent No. 6,538,669 B1: Graphical User Interface for configuration of a storage system.
- e. Nolan et al., U. S. Patent No. 6,446,141 B1: Storage server system including ranking of data source.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kamal Divecha  
Art Unit 2151  
March 9, 2006.



ZARNI MAUNG  
SUPERVISORY PATENT EXAMINER